

§ 82.14

§ 82.14 Inspection and audit.

(a) Supervision of each project shall be as specified in the initial cooperative agreement and shall include adequate and continuous inspection by the grantee. The project will be subject at all reasonable times to Federal inspection. The Director and the Comptroller General of the United States, or their duly authorized representatives, shall be given access by the grantee during regular business hours to any books, documents, papers, and records of the grantee which are pertinent to the project for the purposes of making audit, examination, excerpts, and transcripts.

(b) The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments of such other sanctions as the Secretary may deem appropriate.

[40 FR 23281, May 29, 1975, as amended at 49 FR 30074, July 26, 1984]

§ 82.15 Record retention.

All records of accounts, and reports, with supporting documentation thereto, will be maintained by the grantee for a period of three years after submission of the final expenditure report, with the qualifications stated in FMC 74-7, Attachment C, paragraph 1.

§ 82.16 Reporting.

Performance reports and other specified reports shall be submitted to the Secretary by the grantee in accordance with requirements prescribed by FMC 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.17 Procurement.

Grantees may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurements made with funds under the Act adhere to the standards set forth in FMC 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

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§ 82.18 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to an agreement made with a corporation for its general benefit.

§ 82.19 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the "Government Patent Policy," President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of government patent policy as printed in 36 FR 16889.

§ 82.20 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the grantee providing that the project will be carried out in accordance with title VI, non-discrimination in federally assisted programs, of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4, and with the Secretary's regulations promulgated thereunder, 43 CFR part 17.

§ 82.21 Copyrights.

Where research conducted under a grant issued pursuant to this part results in a book or other copyrightable material, the author or grantee, subject to the terms of the Cooperative Agreement, is encouraged to publish the work, but the Department of the Interior reserves a royalty free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes. Any publication by the grantee must bear in an appropriate place an acknowledgment of grant support under the Marine Mammal Act from the Department of the Interior. In addition, any publication must include a statement that the findings, conclusions, etc., do not necessarily represent the views of the Department of the Interior. At least two copies of any printed publications must

be furnished to the U.S. Fish and Wildlife Service.

PART 83—RULES IMPLEMENTING THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

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AUTHORITY: The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

SOURCE: 47 FR 51142, Nov. 12, 1982, unless otherwise noted.

NOTE: The information collection requirement contained in this part has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned control number 1018-0048.

§ 83.1 Definitions.

As used in this part, the following terms mean:

(a) *Act*. The Fish and Wildlife Conservation Act of 1980, Pub. L. 96-366 (16 U.S.C. 2901, et seq.).

(b) *Conservation plan*. A plan for the conservation of fish and wildlife within a State which meets the requirements set forth in this part.

(c) *Designated State agency or State agency*. The Commission, department, division or other agency of a State which has the primary legal authority for the conservation of fish and wildlife. If more than one agency is designated by the State to exercise such authority, the term means each such agency acting with respect to its assigned responsibilities.

(d) *Director*. The Director of the U.S. Fish and Wildlife Service or his/her designee.

(e) *Federal Aid Manual*. The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Act.

(f) *Fish and Wildlife*. Wild vertebrate animals that are in an unconfined state.

(g) *Nongame fish and wildlife*. Fish and wildlife that:

(1) Are not ordinarily taken for sport, fur, food, or commerce within the State except that any species legally taken for sport, fur, food, or commerce in some but not all parts of a State may be deemed nongame within any area where such taking is prohibited; and

(2) Are not listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); and

(3) Are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)); and

(4) Are not domesticated species that have reverted to a feral existence.

(h) *Plan species*. Any species or subspecies or ecologic association of species and subspecies which is designated to be addressed through actions set forth in an approved conservation plan.

(i) *Project*. A definitive proposal submitted by a State and approved by the regional director for funding under this Act.

(j) *Regional Director*. The regional director of the U.S. Fish and Wildlife Service or his/her designee.

(k) *Secretary*. The Secretary of the Interior or his/her designee.

(l) *State*. Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 83.2 Participant eligibility.

Participation is limited to designated State agencies. If a State places primary legal authority for the conservation of fish and wildlife in more than one agency, the governor or